

**REMARKS/ARGUMENTS**

Claims 1-64 were pending in the application. Claims 37, 44, 46 and 59 stand objected to and claims 1-64 stand rejected. By this amendment, claims 37, 44, and 59 are amended to provide antecedent basis for one or more terms therein and claims 1, 13, 24, 42, 45, 48 and 59 are amended to more precisely define the invention. No new matter has been added and as a result, claims 1-64 are pending and at issue.

**Objection to the Drawings**

Applicants respectfully traverse the objection to the drawings. The amended drawings, specifically new FIG. 16, now show all claimed elements. Support for new FIG. 16 may be found at least in the claims as originally filed (specifically claims 48 and 59). No new matter has been added and, as such, the drawings are now in proper form and should be accepted. Applicants respectfully request withdrawal of the objection to the drawings.

**Amendments to the Specification**

The specification is amended to reference the amended drawings. Support for the amendments to the specification may be found at least in the claims as originally filed (specifically claims 48 and 59). No new matter has been added and Applicants submit that the specification is now in proper form.

**Claim Objections**

Applicants traverse the objection to claims 37, 44, 46 and 59. By this amendment, claims 37, 44 and 59 are amended to provide antecedent basis for one or more terms therein. Applicants respectfully request withdrawal of the objection to claims 37, 44 and 59.

Applicants submit that claim 46 is in proper form and further limits the claim from which it depends. While claim 46 does not add a new method step, claim 46 further limits a step in the claim from which it depends by reciting a removable, pressure sensitive adhesive, while the claim from which it depends simply recites a more generic "adhesive". Because, claim 46 further limits the claim from which it depends, Applicants respectfully request withdrawal of the objection to claim 46.

**35 U.S.C. § 102 Rejections**Claims 1-58

Applicants respectfully traverse the rejection of claims 1-58 as anticipated by any of U.S. Patent No. 5,531,031 to Green (“Green”), U.S. Patent No. 5,063,679 to Schwandt (“Schwandt”), U.S. Patent No. 6,502,319 to Goodrich et al. (“Goodrich”), U.S. Patent No. 5,575,073 to Von Wedemayer (“Wedemayer”) or U.S. Patent No. 4,663,856 to Hall et al. (“Hall”), collectively the “cited art”. Each of claims 1-58 now recites *inter alia*, a connection structure to removably receive and mount either a light generating device or a leveling device thereto. The cited art fails to disclose or suggest a connection structure that removably receives and mounts either a light generating device or a leveling device thereto.

While Green discloses a laser assembly and a square, wherein the laser assembly is rotatably mounted in the square, Green fails to disclose or suggest a connection structure that removably receives and mounts either a light generating device or a leveling device thereto. Applicants respectfully disagree with the examiner that the notches 42 are connection structures for either a light generating device or a leveling device. The notches 42 of the Green device are for coupling the window 40, not the laser assembly (col. 3, line 66 to col. 4, line 2). Furthermore, while the laser assembly of Green is movable, it is not removably mounted to the connection structure. In fact, the laser module assembly 38 is fixedly mounted within a movable laser module housing 44 (col. 4, lines 3-5). Because Green fails to disclose a light generating device or a leveling device that is removably mounted to a connection structure, as is recited in each of claims 1-58, Green fails to anticipate any of claims 1-58. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1 and 3-8 as anticipated by Green.

Likewise, Schwandt fails to disclose a connection structure that removably receives and mounts either a light generating device or a leveling device thereto. While Schwandt discloses an elongate bubble level 14, a protractor portion 12 and a securing member 34, the securing member secures the protractor portion 12 not the bubble level (col. 4, lines 4-9). Contrary to the recitations of claims 1-58, the bubble level is not removable. While the securing portion 30 and mounting portion 32 may be separable, the bubble level remains fixed to the protractor portion, which in turn remains fixed to the mounting portion. In fact, claim 1 of Schwandt specifically recites an elongate bubble level rigidly mounted to the

protractor portion. It is clear that the bubble level of Schwandt is not disclosed as being removable, let alone removably attached to a connection structure, as is recited in each of claims 1-58. Because Schwandt fails to disclose these features, none of claims 1-58 can be anticipated by Schwandt. Applicants therefore respectfully request withdrawal of the rejection of claims 24, 26-29, 31, 37 and 39 as anticipated by Schwandt.

Similarly, Goodrich fails to disclose or suggest a connection structure that removably receives and mounts either a light generating device or a leveling device thereto. While Goodrich discloses a laser diode 2 for producing a line of light on a surface, the laser diode 2 is not in any way removably mounted to a base. In fact, a housing 24 contains the light generating device (col. 3, lines 10-11 and FIG. 9) and, as seen in FIG. 9, the base described by the examiner appears to be an integral part of the housing 24. Because, Goodrich fails to disclose a connection structure for removably connecting a light generating or a leveling device thereto, as is recited in each of claims 1-58, Applicants respectfully request withdrawal of the rejection of claims 13-17 48-52, 55, 57 and 58 as anticipated by Goodrich.

Moreover, Wedemayer fails to disclose or suggest a connection structure that removably receives and mounts either a light generating device or a leveling device thereto. While Wedemayer discloses a leveling device for a spirit level, Wedemayer fails to disclose a connection structure that removably receives and mounts either a light generating device or a leveling device. In the Wedemayer device, the spirit level base 24, not the level itself, is removably attached to the leveling plate 10. Additionally, Applicants disagree with the examiner's suggestion that the top support surface 8 includes a connection structure. Wedemayer states that "[the] top support surface 8 is ground absolutely planar. It [the top surface 8] serves as a bearing surface for the measuring base 24." (col. 3, lines 16-18) Thus, there can be no connection structure on the top support surface 8 because it is "absolutely planar" and serves as a "support surface" not a connection surface. Because Wedemayer fails to disclose a light generating device or a leveling device removably mounted to a connection structure, as is recited in each of claims 1-58, none of claims 1-58 can be anticipated by Wedemayer. Applicants respectfully request withdrawal of the rejections of claims 13 18, 23-25, 30-36 and 41 as anticipated by Wedemayer.

Furthermore, Hall fails to disclose or suggest a connection structure that removably receives and mounts either a light generating device or a leveling device thereto. While Hall

discloses a leveling/plumbing device, the leveling/plumbing device does not include a connection structure to removably receive and mount either a light generating device or a leveling device. In fact, the spirit levels 78, 82 are glued in place on the body 62 (col. 4, lines 39-43 and FIGS. 8-10) and thus are not removable. Because Hall fails to disclose or suggest a connection structure to removably receive and mount either a light generating device or a leveling device, as is recited in each of claims 1-58, none of claims 1-58 can be anticipated by Hall. Applicants respectfully request withdrawal of the rejection of claims 45 and 46 as anticipated by Hall.

#### Claims 59-64

Applicants traverse the rejection of claims 59-64 as anticipated by Hall or U.S. Patent No. 6,133,996 to Plumb et al. ("Plumb"). Each of claims 59-64 recites *inter alia*, a connection structure that can be used to removably mount a leveling device thereto. Neither Hall nor Plumb discloses or suggests a connection structure that can be used to removably mount a leveling device thereto. As discussed above regarding claims 1-58, Hall fails to disclose a removable leveling device of any sort. Similarly, Plumb fails to disclose a leveling device removably mounted to a connection structure. While Plumb discloses bubble level indicators 24, these bubble level indicators are permanently mounted to the members 14. Plumb does not disclose that the bubble level indicators are removable in any way. Because neither Hall nor Plumb discloses or suggests a connection structure that can be used to removably mount a leveling device thereto, as is recited in each of claims 59-64, none of claims 59-64 can be anticipated by either Hall or Plumb. Therefore, Applicants respectfully request withdrawal of the rejection of claims 59 and 61 as anticipated by Hall and claims 59, 60 and 62-64 as anticipated by Plumb.

#### **35 U.S.C. § 103 Rejections**

Applicants respectfully traverse and request withdrawal of the rejection of claims 2, 9 and 19 as obvious over Green in view of Schwandt, claims 10-12 as obvious over Green in view of Schwandt and further in view of Kreckel, claims 38 and 40 as obvious over Schwandt in view of Kreckel, claims 54 and 56 as obvious over Goodrich in view of Schwandt, claim 53 as obvious over Goodrich in view of Wedemayer, claim 47 as obvious over Hall and claims 42-44 as obvious over Hall in view of U.S. Patent No. 3,897,637 to Genho ("Genho").

Each of claims 1-58 recite *inter alia*, a connection structure to removably receive and mount either a light generating device or a leveling device thereto. As discussed above with respect to the § 102 rejections, Green, Schwandt and Hall all fail to disclose or suggest this feature. Additionally, U.S. Patent No. 5,516,581 to Kreckel et al. ("Kreckel") and U.S. Patent No. 3,897,637 to Genho ("Genho") fail to disclose or suggest a connection structure to removably receive and mount either a light generating device or a leveling device thereto.

While Kreckel discloses a removable adhesive tape, Kreckel does not disclose or suggest a light generating device or a leveling device of any sort, let alone a light generating device or a leveling device removably mounted to a connection structure, as is recited in each of claims 1-58. Therefore, none of claims 1-58 can be rendered obvious by any combination of Green, Schwandt and Kreckel.

Likewise, while Genho discloses a laser level and a square, the laser of the Genho device is not removably mounted via a connection structure. Specifically, the laser 10 is carried in brackets 18 which, in turn, are mounted on a plate 15 supported from an inner wall of the housing (col. 1, lines 61-62 and FIG. 4) all of which are completely enclosed by the housing 11 and therefore inaccessible. Because Genho fails to disclose or suggest a light generating device or a leveling device removably mounted to a connection structure, as is recited in each of claims 1-58, none of claims 1-58 are rendered obvious by any combination of Hall and Genho. Applicants respectfully request withdrawal of the rejection of claims 42-44 as obvious over Hall in view of Genho.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." As noted above, none of the cited references, or any combination thereof, teaches or suggests a connection structure for removably mounting a light generating device or a leveling device thereto. Because the cited references do not teach or suggest these features, *prima facie* obviousness cannot be established.

### **Conclusion**

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 1-64.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

Respectfully submitted,

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